

AMENDED IN ASSEMBLY JUNE 2, 2003

SENATE BILL

No. 416

Introduced by Senator Alpert

February 20, 2003

An act to amend Section 13352.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 416, as amended, Alpert. Vehicles: driving under the influence: license restriction.

Existing law requires the court to impose as one of the conditions of probation for a second conviction of a violation of a specified provision prohibiting driving under the influence (DUI) that the person have the privilege to operate a vehicle suspended until the person meets certain conditions. However, the person may be granted a restriction instead of the suspension under certain conditions.

This bill would require the Department of Motor Vehicles to grant a driver's license restriction instead of suspension to a person who (1) has been convicted of a second violation of the specified DUI provision that occurred on or before July 1, 1999; (2) was granted probation under a specified provision for that conviction; (3) is no longer subject to that probation; (4) has not completed ~~all~~—of the *licensed driving-under-the-influence program* requirements in existing law for reinstatement of the driving privilege; and (5) has no violations in his or her driving record that would preclude issuance of a restricted driver's license.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 13352.5 of the Vehicle Code is amended to read:

13352.5. (a) The department shall issue a restricted driver's license to a person granted probation under the conditions described in subdivision (b) of Section 23542, or to a person described in subdivision (h), instead of suspending that person's license, if the person meets all of the following requirements:

(1) Submits proof of enrollment in, or completion of, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in paragraph (4) of subdivision (b) of Section 23542.

(2) Submits proof of financial responsibility, as described in Section 16430.

(3) Pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(b) The restriction of the driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (a) and shall remain in effect for the duration of the treatment program described in paragraph (4) of subdivision (b) of Section 23542.

(c) The restriction of the driving privilege shall be limited to the hours necessary for driving to and from the place of employment, driving during the course of employment, and driving to and from activities required in the treatment program.

(d) Whenever the driving privilege is restricted under this section, proof of financial responsibility, as defined in Section 16430, shall be maintained for three years. If the person does not maintain that proof of financial responsibility at any time during the restriction, the driving privilege shall be suspended until proof pursuant to Section 16484 is received by the department.

(e) The restriction imposed under this section may be removed when the person presents evidence satisfactory to the department that the person has completed a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. For the purposes of this section, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. No credit may be

1 given to any program activities completed prior to the date of the
2 current violation.

3 (f) The department shall immediately terminate the restriction
4 imposed pursuant to this section and shall suspend the privilege to
5 drive under paragraph (3) of subdivision (a) of Section 13352 upon
6 receipt of notification from the treatment program that the person
7 has failed to comply with the program requirements.

8 (g) Any person restricted pursuant to this section may apply to
9 the department for a restricted driver's license, subject to the
10 conditions specified in paragraph (3) of subdivision (a) of Section
11 13352. Whenever proof of financial responsibility has already
12 been provided and a restriction fee has been paid in compliance
13 with restrictions described in this section, and the offender
14 subsequently receives an ignition interlock device restriction
15 described in paragraph (3) of subdivision (a) of Section 13352, the
16 proof of financial responsibility period shall not be extended
17 beyond the previously established term and no additional
18 restriction fee shall be required.

19 (h) This section applies to a person who meets all of the
20 following conditions:

21 (1) Has been convicted of a violation of Section 23152 that
22 occurred on or before July 1, 1999, and is punishable under Section
23 23540, or former Section 23165.

24 (2) Was granted probation for the conviction ~~described in~~
25 ~~paragraph (1)~~ *subject to conditions imposed* under subdivision (b)
26 of Section 23542, or under subdivision (b) of former Section
27 23166.

28 (3) Is no longer subject to the probation described in paragraph
29 (2).

30 (4) Has not completed all ~~of the requirements in the licensed~~
31 *driving-under-the-influence program* under paragraph (3) of
32 subdivision (a) of Section 13352 for reinstatement of the driving
33 privilege.

34 (5) Has no violations in his or her driving record that would
35 preclude issuance of a restricted driver's license.